

EXHIBIT “B”

Fleming

MEMORANDUM

Date: October 28, 1999

To: Wayne Berry

From: Ralph Stussi, Hawaii Division President

Subject: Assistance with programming changes

It is my understanding that you are requesting this letter as a protection to you in making the changes we are requesting to the existing API freight tracking system that is being acquired or licensed. I understand that the programming of this system is not an exact science and that making changes to one area of the program could cause other areas to not operate properly and that you cannot be personally responsible for the total operation of the system. This is your letter to authorize your to make the changes to the system requested by the Fleming Logistics personnel.

I hope this provides you with the authorization you need.

On another note, please forward to me the licensing agreement for the system. I would also be interested in information on future support and programming charges for you could provide, if needed. I recognize these might take the form of "share in the savings generated" commission or an hourly rate for other issues.

We appreciate your help in making the transition called for in the agreement as smooth as possible.

Berry v Hawaiian Express Plaintiff Exhibit 21

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